

H E R R I C K

NEW YORK
NEWARK
PRINCETON

MARI-CLAUDIA JIMÉNEZ
Direct Tel: 212.592.1427
Direct Fax: 212.545.3418
Email: mjimenez@herrick.com

January 5, 2010

BY ECF

Judge A. Kathleen Tomlinson
United States District Court, Eastern District of New York
100 Federal Plaza
P.O. Box 9014
Central Islip, New York 11722

Re: Olyvia Oriental Ltd. v. Berklay Cargo Services Corp, et al., CV 09-3216
(ADS) (AKT)

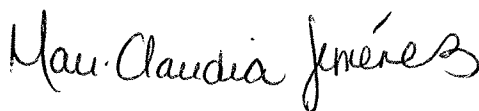
Dear Judge Tomlinson:

I am writing in accordance with your Civil Conference Minute Order, dated November 3, 2009, in which you directed the parties to confer and reach an agreement on the method by which electronically stored information ("ESI") shall be produced in this case.

In a telephone conversation held in October 2009, counsel for Berklay Cargo Services Corp. and I discussed this topic and agreed that both parties would produce all ESI documents in this case in "native format". Depending on the amount of material produced, Olyvia Oriental Ltd, will produce the ESI (pst, word files etc.) on either a CD, DVD or USB drive.

I emailed counsel for Berklay Cargo Services Corp. yesterday in order to confirm this agreement and to determine who would notify the Court of this, but since I have not yet received a response to my email, and Your Honor's Civil Conference Minute Order requested a letter to be filed by ECF no later than today, I am writing solely on behalf of Olyvia Oriental Ltd.

Respectfully submitted,



Mari-Claudia Jiménez